Lawſon *of Oathes and Witneſſes, according to the Third and Ninth Commandements.*

THIS Commandement is Negative, and prohibits a grievous Sin, and by conſequence includes a Duty, tending to the Honour of this great King, who ought to be Worſhipped in ſuch a manner, as ſhall be ſutable to His Excellent Majeſty.

The Firſt Commandement forbids the Worſhip of ſtrange Gods, who are no Gods.

The Second, the Worſhip of Images, or by Images.

The Third, the taking of his Name in vain, or falſe-ſwearing. For,

1. He is to be acknowledged as God.
2. Worſhipped according to his own inſtitution.
3. This Worſhip is to be performed in a due manner.

In the words themſelves we have,

1. A Sin forbidden.
2. A penalty threatned, and to be ſuffered by him that ſhall be guilty of that Sin.

I. The Sin is to take Gods name in vain;——

And leſt any one ſhould preſume, Every one muſt know, that the Lord will not hold him guiltleſs that taketh his Name in vain.

This is the Subſtance of this Law.

II. To take Gods Name in vain; if we conſult with the Original, is to ſwear falſly, and to uſe Gods Name, to perſwade men to believe that which is falſe; Thus it is expounded, Thou ſhalt *not ſwear by my Name falſly: Neither ſhalt thou prophane the Name of thy God, Lev.* 19. 12. and thus the *Chaldæ paraphraſt* underſtands and turns the Words in this place, *Exod.* 20. 7. and alſo *Deut.* 5. 11. and though the word *Magan* ſignifies vain; yet the word *Skekar*, uſed by him in the latter part of the Commandements, ſignifies Falſehood, or a Lye: and *Edſhekar* is a falſe witneſs, *Deut.* 19. 18. by which we may eaſily underſtand, that the Lord, in theſe words, forbids falſe ſwearing; and becauſe, in ſwearing we uſe Gods Name, and a falſe Oath is unjuſt, and, in reſpect of the end to which it was ordained is vain; therefore to ſwear falſly, is to take up, or uſe Gods Name prophanely, or in vain.

III. An Oath is a kind of Teſtimony, and of it ſelf hath no ſufficient Power to prove any thing infallibly: therefore, as the perſon ſwearing, is, ſuch is the Oath. If God ſwear, we have infallible Truth, becauſe, his Word, much more his Oath, is infallible: becauſe he can neither deceive, nor be deceived. Yet the better the Man is, the more credible is his Oath. And in matters which cannot be made evident by other proof; an Oath is the higheſt degree of confirmation, and more we cannot expect, when more cannot be done. Therefore upon an Oath taken we reſt, for an *Oath for Confirmation, is unto* Men *an end of all ſtrife, Heb.* 6. 16. in the Oath of man we have a two fold teſtimony; one of Man, another of God; and the teſtimony of God is added to confirm the teſtimony of Man: in this reſpect, it is ſaid to be a

producing of God, as Witneſs of the things ſworn, and the word of Man. Divers *Schoolmen*, *Caſuiſts*, and *Civilians*, and *Theological* Writers, both Papiſts and Proteſtants agree in the Definition of an Oath, that is a calling of God to Witneſs for the Confirmation of a matter that is doubtful.

IV. After this Conſideration of the Nature of an Oath, follows the Diſtinction of Oathes, for there is an Oath of God, and an Oath by God. An Oath, by God, is taken by Angels or Men. The Oathes here are ſuch as are taken by Men.

1. Aſſertory, is of that which is paſt or preſent.

2. A Promiſſory, of ſomething to come; the latter is to confirm Leagues or Contracts, publick, or private; An Aſſertory Oath is when he ſwears that which he doth not certainly know to be true, or that which he knows to be falſe.

Let ſo much at preſent ſuffice for the Third Commandement.

Somewhat I intend of the Ninth Commandement.

After that God had determined the right of perſons, and things by the former Laws; he here preſcribes who are capable of giving an Oath, that is, Magiſtrates Read in the Law; perſons that come before Magiſtrates are of two parties plaintiff, or defendant; to determine the right of Perſons, Things, Actions, both Publick and Private in which, a Party Litigant, whoſe Cauſe is brought before a Magiſtrate. And as the greateſt Point in Law is Evidence; for the preſerving the Rights, Lives, and Liberties of Men, are Witneſſes, to declare the Truth, all the Truth, and nothing but the Truth; I think it not amiſs to pnt down the Qualification of Witneſſes.

1. Qualification is, That they ſhould be born of Chriſtian Parents.

2. Qualification that they ſhould be Baptiz'd, according to the Lords Prayer, Creed and Ten Commandements.

3. Qualification, That they ſhould be brought up in theſe, by Parents, Schoolmaſters and Guardians.

4. Qualification, that they ſhould be Sixteen years of Age.

5. Qualification, That they ſhould have their Sight, Hearing, Underſtanding, and Memory.

6. Qualification, That they ſhould not be given to Bribes.

7. Qualification, That they ſhould not be Malicious.

8. Qualification, that they ſhould clearly and fully declare the Truth.

9. Qualification, That they muſt not for favour or affection deny the Truth in favour of any, tho' they be ever ſo near Related to them.

10. Qualification, That they muſt not liſſen to them that whiſpers in their Ears, when they are given their Evidence.

11. Qualification, they muſt not uſe doubtful expreſſions or equivocations.

12. Qualification, They muſt not have mental Reſervations, or contradict themſelves.

13. Qualification, They muſt not any waies obſcure the Cauſe, out of Fear or Favour, or any inordinate Paſſion and Affection.

My only deſign is to inform the Ignorant, put in mind the Wiſe, conſute the Parſhal and Obſtinate, if poſſible, that in ſeeing they may ſee, and Reading underſtand the good Word of God, and keep his Commandements every one. I think this may be uſeful to Maſter and Servant.

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Farewel
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